

REMARKS

Claims 1-15 are pending. By this Response claim 1 is amended.

Reconsideration and allowance based on the above amendments and following comments are respectfully requested.

Applicant notes that this Supplemental Response is being filed at the request of Examiner Chandrika Prasad, made during a telephone conversation on January 19, 2005, due to the fact that the previous Response filed on December 30, 2004 inadvertently did not show claim 1 as amended, although the remarks indicated that claim 1 was amended.

Drawings

The Office Action objects to the drawings under 37 C.F.R. §1.83(c) alleging that the features of the shoulder a predetermined distance from the second end at two ledges extending the length of the channel walls, is not shown therein. Applicants respectfully submit that this feature is shown in the drawings. Figs. 3A and 3B show a clear illustration of this feature. As seen in Fig. 3A, the second end is identified by numeral 24, the channel walls are illustrated by numeral 27. A shoulder is illustrated by numeral 26 in Fig. 3B and as illustrated, extends from the walls 27 a predetermined distance and extends the length of the channel walls from its beginning point to the first end 22. If the Examiner needs further clarification, applicants refer the Examiner to pages 9-11 of the specification in reference to the figures. Thus, applicants

submit that the drawings do illustrate the claimed features and thus withdrawal of the objection is respectfully requested.

§112 First Paragraph Rejection

The Office Action rejects claims 1-15 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the restoration of “a shoulder in the channel a predetermined distance from the second end, the shoulder creating two ledges that extend the length of the channel walls and extend a predetermined distance away from the channel walls” recited in claims 1, 2 and 9 is not described in the specification. Applicants respectfully traverse this rejection for the following reasons.

Applicants remind the Examiner that “the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented.” *All Dental Prods, LLC v. Advantage Dental Prods., Inc.* 309 F.3d 774; 64 USPQ2d 1945 (Fed. Cir. 2002). Further, “under proper circumstances, drawings alone may provide a written description of an invention that is required by 35 U.S.C. §112. Drawings, constitute an adequate description if they describe what is claimed and conveyed to those of skill in the art that the patentee actually invented what was claimed. *Copper Cameron Corp. v. Kvaerner Oil Field Prods., Inc.*, 219 F.3d 1357; 60 USPQ2d 1846 (Fed. Cir.

2002). Applicants respectfully submit that the entire specification when read together in view of the drawings properly disclosed the claimed features as recited in claims 1, 2 and 9.

As discussed above, Figs. 3A and 3B illustrate the shoulder 26 as being a predetermined distance from the second end and extending away from the channel walls 27 and also extending the length of the channel walls towards the first end 22. A description of the shoulder, channel walls and first and second ends can be found at least on pages 9-11 of the specification. Particularly, the last paragraph of page 10 states “shoulder 26 is formed on the interior of channel 23 so as to narrow the width of the channel.” Thus, as the shoulder 26 is formed on the channel walls to narrow the channel, the shoulder necessarily extends a distance from the walls as illustrated in the figures. Also, the last paragraph of page 10 continuing onto page 11, states “the rear wall 16A-1 of connector boot 16A eventually abuts shoulder 26 and is thereby prevented from traveling further into channel 23. In this way, the fiber bender 20 is prevented from being placed too far down on the connector boot. Also, shoulder 26 acts as a depth gauge to ensure that fiber bender 20 is placed sufficiently close to male LC connector 16B.” Thus, the shoulder necessarily is located a predetermined distance from the second end to create the depth gauge action and prevent the fiber bender from traveling too far down the channel 23.

It is clear from the above that the features of the claims are adequately described in the specification and figures for one of ordinary skill to

understand to make and use the invention. The claimed features are clearly conveyed by the specification and figures. Accordingly, withdrawal of the rejection is respectfully requested.

§112, Second Paragraph Rejection

The Office Action rejects claim 1 under 35 U.S.C. §112, second paragraph as being indefinite. This rejection is respectfully traversed. Specifically, the Office Action alleges that the recitation of “the central channel” in line 12 lacks antecedent basis. In response, claim 1 has been amended to clarify the antecedent basis. Accordingly, withdrawal of the rejection is respectfully requested.

Prior Art Rejections

The Office Action rejects claim 1 under 35 U.S.C. §102(e) as being anticipated by Kent, et al. (US 6,554,489); claims 2-8 under 35 U.S.C. §103(a) as being unpatentable over Kent in view Rodgers (US 6,236,795) and claims 9-15 under 35 U.S.C. §103(a) as being unpatentable over Kent, Rodgers and Brownjohn (US 5,212,751). These rejections are respectfully traversed.

Claims 1, 2 and 9 each recite, inter alia, a shoulder in the channel at a predetermined distance from the second end, shoulder creating two ledges that extend the length of the channel walls and extend a predetermined distance away from the channel walls.

The shoulder as explained above, is defined by being located a predetermined distance from the second end that create two ledges that extend the length of the wall to the first end. The ledges extend from the walls of the channel a distance which causes the channel to narrow. The shoulder is created in such a way so as to prevent a fiber bender positioning itself too far down the channel. The fiber bend stops when it reaches the shoulder. This ensures that the fiber bender is exactly at the right depth in the channel.

The Examiner maintains that the shoulder is taught by securing elements 38, 238a and 338a of Kent. As stated in our previous response, this securing element 38, 238a and 338a are gripping elements similar to the projections 28 disclosed in Fig 3a of applicant's disclosure. The gripping elements 38, 238a and 338a are located on top of the walls of the fiber optic guide disclosed by Kent. They do not create two ledges that extend the length of the channel walls a predetermined distance away from the channel walls. In fact, it is easily seen by the figures of Kent that the grippers are each separate elements. None of the grippers extend the length of the fiber optic taught in Kent.

Applicants respectfully submit that Kent does not anticipate the claimed features. In other words, Kent fails to teach all the claimed features of the independent claims as required.

Furthermore, Rodgers and Brownjohn fail to make up for the deficiencies of Kent. Therefore, in view of the above, Kent either alone or in combination with Rodgers and Brownjohn fail to teach each and every feature of the claims

as required. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-15 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491

MRC/CJB:cb
4450-0409P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)